

### **DETAILED ACTION**

1. This action is in response to preliminary amendment filed 3/24/2005. Claims 1-23 were cancelled. New claims 24-39 were added. Claims 24-39 are pending.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under U.S.C. 119(a)-(d).

#### ***Claim Objections***

3. Claim 25 objected to because of the following informalities: Claim 25 depends from cancelled claim 1, examiner presumes claim 24 depends from claim 24. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 24, 25, 30, 35 and 36** are rejected under 35 U.S.C. 102(e) as being anticipated by Sobel (20030216940).

As per **claim 24**, Sobel discloses: an internet website having a data entry means to enable entry of data relating to a client and an entity associated with performing procedures (0024, 0027);  
an authentication means to verify an ID access code for each client and each entity (0026, 0073);  
a memory means to store data relating to a plurality of different procedures, relating to a plurality of different entities associated with performing the procedures, questionnaires relating to different procedures, data relating to each client including information viewed by the client (0006, 0062);  
a questionnaire completed by the client and risk factors relevant to a procedure if undertaken by the client (0024, 0030, Lines 12-18, 0038, 0040, 0052, 0056); and  
monitoring means to monitor access to any data by a client and store it in the memory means and wherein data relating to each client file includes data submitted by the entity which is relevant to risk factors (0006, 0061).

As per **claim 25**, rejected as applied to claim 24, Sobel discloses: wherein the memory means stores a plurality of client files comprising data relating to information viewed by the client, questions completed by the client and risk factors relevant to a procedure if undertaken by the client (0005, 0046, 0061-0062).

As per **claim 30**, rejected as applied to claim 24, Sobel discloses: a consent means for indicating consent to a procedure by a client, which consent means is adapted to be stored by the memory means (0002).

As per **claim 35**, rejected as applied to claim 24, Sobel discloses: a disclaimer means for presenting a disclaimer relating to the procedure information viewed by the client before any information regarding the procedure is presented for viewing (0002).

As per **claim 36** rejected as applied to claim 24, Sobel discloses: wherein the website includes a management means for storing data relating to management of an entities business (0002).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 32, 34 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobel (20030216940) in view Soll et al. (20030055679).

As per **claim 37**, Sobel discloses: providing an internet website having a data entry means to enable entry of data relating to a client and an entity associated with performing procedures, an authentication means to verify an ID access code for each client and each entity, a memory means to store data relating to a plurality of different procedures, a plurality of different entities associated with performing the procedures and questionnaires relating to the different procedures (0024, 0026, 0027, 0073);

storing data in a client file whenever a client views information relating to a procedure (0006, 0062);

storing a questionnaire at least partially completed by a client in the client file (0006, 0024, 0030, 0038, 0040, 0052, 0056);

storing in the client file data received by an entity relating to risk factors relevant to a procedure if undertaken by the client (0006, 0024, 0030, 0038, 0040, 0052, 0056).

Sobel does not explicitly teach: storing incorrect answers of a questionnaire in the client file, whereby the entity can review the incorrect answers and discuss incorrect answers with the client and storing a consent form signed by a client in the client file including the completed questionnaire, results and any comments from the entity. Furthermore, Soll discloses: storing incorrect answers of a questionnaire in the client file, whereby the entity can review the incorrect answers and discuss incorrect answers with the client and storing a consent form signed by a client in the client file including the completed questionnaire, results and any comments from the entity (0054). Therefore, it would have been obvious for one with ordinary skill in the art at the time the invention was made to use the teaching of Soll in conjunction with the teachings of Sobel for the benefit of achieving complete and accurate information from the patient in order to better manage the process of providing health care.

As per **claim 32** rejected as applied to claim 24. Sobel does not explicitly teach an indication if a questionnaire associated with a procedure accessed by a client is not completed. However, Soll et al. discloses an indication if a questionnaire associated

with a procedure accessed by a client is not completed (0054). Therefore, it would have been obvious for one with ordinary skill in the art at the time the invention was made to use the teaching of Soll in conjunction with the teachings of Sobel for the benefit of achieving complete and accurate information from the patient in order to better manage the process of providing health care.

As per **claim 34**, rejected as applied to claims 32. Furthermore, Soll discloses: the website is adapted to send any reminders to the entity regarding a questionnaire which is incomplete and a consent form which has not been received (0054).

6. **Claims 26, 27, 29 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobel (20030216940) in view Krullaards (20030149379).

As per **claim 26**, rejected as applied to claim 24. Sobel does not explicitly teach including a risk assessment means which analyses data relating to a client and provides a risk assessment of the client for a procedure. However, Krullaards discloses: including a risk assessment means which analyses data relating to a client and provides a risk assessment of the client for a procedure (0029). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Krullaards in conjunction with the teachings of Sobel for the benefit of determining the condition of the patient (0029).

As per **claim 27**, rejected as applied to claim 25. Sobel does not explicitly teach including a risk assessment means which analyses data relating to a client and provides a risk assessment of the client for a procedure. However, Krullaards discloses: including a risk assessment means which analyses data relating to a client and provides a risk assessment of the client for a procedure (0029). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Krullaards in conjunction with the teachings of Sobel for the benefit of determining the condition of the patient (0029).

As per **claim 29**, rejected as applied to claim 26. Furthermore, Krullaards discloses: wherein the risk assessment means is configured to give a risk rating to a procedure to be undertaken by a client (0029).

As per **claim 31**, rejected as applied to claim 29. Furthermore Sobel discloses: including a consent means for indicating consent to a procedure by a client, which consent means is adapted to be stored by the memory means (0062).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 33** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobel (20030216940) in view Krullaards (20030149379) in further view of Soll et al. (20030055679).

As per **claim 33**, rejected as applied to claim 31. The combined references Sobel and Krullaards do not explicitly teach including an indication if a questionnaire associated with a procedure accessed by a client is not completed. However, Soll discloses including an indication if a questionnaire associated with a procedure accessed by a client is not completed (0054). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Soll in conjunction with the combined teachings of Sobel and Krullaards benefit of achieving complete and accurate information from the patient in order to better manage the process of providing health care.

8. **Claims 38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sobel (20030216940) in view of Soll et al. (20030055679) and in further view of Krullaards (20030149379).

As per **claim 38**, rejected as applied to claim 37. The combined references Sobel and Soll do not explicitly teach including a risk assessment means which analyses data relating to a client and provides a risk assessment of the client for a procedure. However, Krullaards discloses: including a risk assessment means which analyses data relating to a client and provides a risk assessment of the client for a procedure (0029). Therefore, it would have been obvious to one with ordinary skill in

the art at the time the invention was made to use the teachings of Krullaards in conjunction with the teachings of Sobel and Soll for the benefit of determining the condition of the patient (0029).

As per **claim 39**, rejected as applied to claim 38. Furthermore, Sobel discloses: the client includes a patient and the risk assessment means stores data including risk factors specific to the general health of the client, allergies, medications, deep vein thrombosis risk, and risk factors associated with the particular anaesthetic the client will have if undertaking the procedure, the risk factors being submitted to the website by the entity (0005, 0046, 0061-0062).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAOUSSEN BESROUR whose telephone number is (571)272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2131

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/S. B./

Examiner, Art Unit 2131

June 9, 2008

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2131